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09/777,271	02/05/2001	Uwe Sydon	01 P 7447 US	3400

7590

01/21/2004

Siemens Corporation  
Attn: Elsa Keller, Legal Administrator  
Intellectual Property Department  
186 Wood Avenue South  
Iselin, NJ 08830

EXAMINER

NGUYEN, LEE

ART UNIT

PAPER NUMBER

2682

DATE MAILED: 01/21/2004

4

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/777,271

Applicant(s)

SYDON ET AL.

Examiner

LEE NGUYEN

Art Unit

2682

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,5-9 and 12-20 is/are rejected.
- 7) ☒ Claim(s) 3,4,10 and 11 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-2, 8-9 and 15-16 are rejected under 35 U.S.C. 102(e) as being anticipated by Sugar et al. (US 2002/0061031).

Regarding claim 1, Sugar teaches a base station 12 (fig. 1) for combined wireless data and wireless telephony communication utilizing the same frequency spectrum, comprising: a data transceiver (protocol A, fig. 2, Bluetooth, [0117]) for transmitting and receiving wireless data; a telephony transceiver (protocol B, fig. 2, voice [0117]) for transmitting and receiving wireless voice signals; and inherently a controller/synchronizer coupled to said data transceiver and said telephony transceiver for monitoring operation of said telephony transceiver and controlling operation of said data transceiver in response thereto (clock of

Bluetooth and HomeRF, frequency locked, transmission of Bluetooth does not overlap in time with Home RF voice slot [0117]).

Regarding claim 2, Sugar also teaches that said controller/synchronizer prevents said data transceiver from transmitting when said telephony transceiver is receiving, and further wherein said controller/synchronizer prevents said data transceiver from receiving when said telephony transceiver is transmitting (delay or hold-off transmitting protocol signal A, which is data signal in Bluetooth [0058]).

Regarding claim 8, Sugar teaches a method for combined wireless data and telephony communication using the same frequency spectrum [0039], comprising the steps of:

providing separate data and telephony transceivers (fig. 2, protocols A and B);

monitoring the telephony transceiver to determine whether telephony signals are being transmitted or received ; and controlling operation of the data transceiver in response said monitoring [0117].

Regarding claim 9, the claim is interpreted and rejected for the same reason as set forth in claim 2.

Regarding claim 15, the claim is interpreted and rejected for the same reason as set forth in claim 8.

Regarding claim 16, the claim is interpreted and rejected for the same reason as set forth in claim 9.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 5-7, 12-14, 17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sugar.

Regarding claim 5, Sugar also teaches that the base station can also be implemented with TDMA [0109] and CSMA/CA [0110]. Therefore, it would have been obvious to implement the data transceiver with CSMA/CA and the telephone transceiver with TDMA in order to comply with channel regulation from the FCC.

Regarding claim 6, it is obvious from the system of Sugar that the alternate system can also be that said data transceiver is a Home RF transceiver, and said telephony transceiver is a WDCT transceiver since both data transceivers of Sugar are in short range communication.

Regarding claim 7, Sugar as modified also teaches that said telephony transceiver transmits and receives according to a repeating frame having a plurality of time slots including transmit time slots, receive time slots, and blind time slots (TDMA, [0109-0110]), and said controller/synchronizer monitors said repeating frame, prevents said data transceiver from transmitting when said telephony transceiver is receiving, and prevents said data transceiver from receiving when said telephony transceiver is transmitting as stated in the rejection of claim 1.

Regarding claim 12, the claim is interpreted and rejected for the same reason as set forth in claim 5.

Regarding claim 13, the claim is interpreted and rejected for the same reason as set forth in claim 6.

Regarding claim 14, the claim is interpreted and rejected for the same reason as set forth in claim 7.

Regarding claim 17, the claim is interpreted and rejected for the same reason as set forth in claim 5.

Regarding claim 18, the claim is interpreted and rejected for the same reason as set forth in claim 6.

Regarding claim 19, it is obvious that the base station of Sugar in figure 1 can provide more than 4 simultaneous voice communications. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide more voice communication to the base station of Sugar so that more users can access the telephone system at the home office.

Regarding claim 20, Sugar does not teach  $1/12$  of the bandwidth is used. However, dependent upon the slots provided in the TDMA frame, the number of bandwidth can be varied. Therefore, it would have been obvious

to one of ordinary skill in the art at the time the invention was made to divide the time frame as claimed in order reduce bandwidth consumption.

***Allowable Subject Matter***

6. Claims 3-4, 10-11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Regarding claim 3, Sugar fails to teach that said data transceiver includes a baseband portion and an RF portion, said telephony transceiver includes a baseband portion and an RF portion, and said controller/synchronizer is coupled to said respective baseband portions. Regarding claim 10, the claim is allowable for the same reason as set forth in claim 3.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LEE NGUYEN whose telephone number is (703)-308-5249. The examiner can normally be reached on 8:00 AM - 4:30 PM.



If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, VIVIAN CHIN can be reached on (703) 308-6739. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.



LEE NGUYEN  
Primary Examiner  
Art Unit 2682